IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.88 OF 2005

Abdul Wahid ...Petitioner

Versus

Sardar Patel & Anr. ...Respondents

.....

Mr.H.E.Palwe for Petitioner.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 23, 2006.

P.C.

1. Counsel for the Petitioner may be justified in relying on the decision in the case of **Vinay Asharam Rathi vs. M.S.Rao & Ors. reported in 2003 (4) BCR 402**. However, in my opinion, in the first place, the Petitioner should avail of remedy before the concerned Magistrate. I have no doubt in my mind that if the concerned Magistrate is moved by the Petitioner, appropriate directions as may be warranted in the case will be passed by

the concerned Magistrate.

2. Petition is disposed of with liberty to the Petitioner to take recourse to the suitable remedy as may be permissible by law.

A.M.KHANWILKAR, J.